

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF ALABAMA
3 EASTERN DIVISION
4

5 CASE NUMBER: 3:05-CV1018-M

ORIGINAL

6 DENISE L. SMITH,

7 Plaintiff,

8 vs.

9 SEARS ROEBUCK & COMPANY,

10 Defendant.
11

12 S T I P U L A T I O N

13 IT IS STIPULATED AND AGREED by
14 and between the parties through their
15 respective counsel, that the deposition of
16 Shannon Bryant may be taken before Anita
17 Thebo, Commissioner, at the offices of
18 Burr & Forman, at 201 Monroe Street,
19 Montgomery, Alabama 36104, on the 6th day
20 of September, 2006.
21

22 DEPOSITION OF SHANNON BRYANT

23 (50102)

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1 IT IS FURTHER STIPULATED AND
2 AGREED that the signature to and the
3 reading of the deposition by the witness
4 is waived, the deposition to have the same
5 force and effect as if full compliance had
6 been had with all laws and rules of Court
7 relating to the taking of depositions.

8 IT IS FURTHER STIPULATED AND
9 AGREED that it shall not be necessary for
10 any objections to be made by counsel to
11 any questions except as to form or leading
12 questions, and that counsel for the
13 parties may make objections and assign
14 grounds at the time of the trial, or at
15 the time said deposition is offered in
16 evidence, or prior thereto.

17 IT IS FURTHER STIPULATED AND
18 AGREED that in accordance with Rule 5(d)
19 of The Alabama Rules of Civil Procedure,
20 as Amended, effective May 15, 1988, I,
21 Anita Thebo, am hereby delivering to Mieke
22 A. Hemstreet the original transcript of
23 the oral testimony taken on the 6th day of

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1 September, 2006, along with the exhibits.

2 Please be advised that this is
3 the same and not retained by the Court
4 Reporter, nor filed with the Court.

5 * * * * *

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF ALABAMA
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5 CASE NUMBER: 3:05-CV1018-M

6 DENISE L. SMITH,
7 Plaintiff,
8 vs.

9 SEARS ROEBUCK & COMPANY,
10 Defendant.
11

12 BEFORE:

13 Anita Thebo, Commissioner.
14

15 APPEARANCES:

16 ROBIN T. MCINTYRE, ESQUIRE,
17 Attorney at Law, 2101 Executive Park
18 Drive, Opelika, Alabama 36801, appearing
19 on behalf of the Plaintiff.

20 MIEKE A. HEMSTREET, ESQUIRE, of
21 Burr & Forman, 420 North 20th Stree, Suite
22 3100, Birmingham, Alabama 35203, appearing
23 on behalf of the Defendant.

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1 I, Anita Thebo, a Court Reporter
2 of Prattville, Alabama, acting as
3 Commissioner, certify that on this date,
4 as provided by the Federal Rules of Civil
5 Procedure and the foregoing stipulation of
6 counsel, there came before me at the
7 offices of Burr & Forman, 201 Monroe
8 Street, Montgomery, Alabama 36104,
9 beginning at 1:20 p.m., Shannon Bryant,
10 witness in the above cause, for oral
11 examination, whereupon the following
12 proceedings were had:

13 SHANNON BRYANT,
14 being first duly sworn, was examined and
15 testified as follows:

16 EXAMINATION

17 BY MS. HEMSTREET:

18 COURT REPORTER: Usual
19 stipulations?

20 MS. HEMSTREET: That's fine.

21 MR. MCINTYRE: Yes, that's
22 fine.

23 Q. Can you state your name for

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1 the Record, please.

2 A. Shannon Bryant.

3 Q. May I call you Shannon?

4 A. Yes.

5 Q. Shannon, I'm Mieke Hemstreet,
6 we met a few minutes ago, and I'm an
7 attorney for Sears.

8 And you understand you're here
9 pursuant to a subpoena that we sent you
10 regarding a lawsuit that Ms. Smith has
11 filed against Sears; is that right?

12 A. Yes.

13 Q. Have you ever had your
14 deposition taken before?

15 A. No.

16 Q. Well, let me just go over a
17 few quick rules. One is that I'm going to
18 ask you some series of questions this
19 afternoon, and I'm going to assume that
20 you understand those questions unless you
21 ask me to clarify it or to rephrase it; if
22 you don't understand it or need me to do
23 so, then I'll be happy to do that.

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1 The second thing is when you answer
2 my questions, try to do so in the form of
3 a verbal answer, a yes or a no, try to
4 avoid the head shakes or the nods; it just
5 makes it easier for the court reporter to
6 take down.

7 Also, if you have a -- need to take
8 a break for any reason, just let me know,
9 and be happy to do that. The only thing I
10 ask is if I've asked you a question, then
11 you can -- if you can go ahead and answer
12 that question before we take a break, that
13 would be helpful.

14 Are you represented by counsel,
15 Mrs. Bryant?

16 A. Am I represented -- What you
17 mean represented by counsel?

18 Q. Have you retained a lawyer or
19 do you have a lawyer here with you today?

20 A. No, I have not.

21 Q. And you understand
22 Mr. McIntyre is here as Denise Smith's
23 lawyer; is that right?

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1 A. Yes.

2 Q. Are there any medical
3 conditions that you have that I need to be
4 sensitive to today, just to let me know so
5 I can be aware of them?

6 A. The only thing is I do take
7 blood pressure medicine and it has
8 diuretics, and so when I'm drinking I may
9 have to go to the restroom. Other than
10 that, nothing else.

11 MR. MCINTYRE: Let's go off the
12 Record a second.

13 (Off the Record.)

14 MS. HEMSTREET: Back on.

15 Q. Now, Mrs. Bryant, were you --
16 do you go by another name or have you gone
17 by another name in the past?

18 A. Well, Callaway was my maiden
19 name before I got married.

20 Q. And when did you get married?

21 A. I got married January 6, 1997.

22 Q. And before that your name was
23 Callaway; is that right?

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1 A. Yes.

2 Q. And what is your date of
3 birth?

4 A. July 28, 1971.

5 Q. Have you gone by any other
6 names?

7 A. No.

8 Q. So Bryant is your married
9 name; is that right?

10 A. Yes.

11 Q. Are you still currently
12 married?

13 A. Yes, I am.

14 Q. Do you have any children?

15 A. Yes.

16 Q. Are they all under the age of
17 eighteen?

18 A. Yes.

19 Q. What is your address?

20 A. 4207 Oak Bowery Road, Opelika,
21 Alabama 36801.

22 Q. And is that a house?

23 A. Yes.

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1 Q. Are you owning that house,
2 renting that house?

3 A. I'm owning that house.

4 Q. You live there with your
5 husband; is that right?

6 A. Yes.

7 Q. Anybody else live there with
8 you?

9 A. Our three children.

10 Q. And what are their ages?

11 A. Sixteen, fourteen, eleven.

12 Q. Now, in preparation for this
13 deposition today, did you do anything to
14 prepare for it?

15 A. No.

16 Q. Did you have any conversations
17 with anybody about it?

18 A. No.

19 Q. Did you talk to Ms. Smith
20 about it?

21 A. No.

22 Q. What about Ms. Willis?

23 A. No.

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1 Q. Anybody else?

2 A. No.

3 Q. Now, are you currently
4 employed, Mrs. Bryant?

5 A. Yes, I am.

6 Q. And where do you work?

7 A. Morningside Assisted Living.

8 Q. And what do you do there?

9 A. I'm the assistant executive
10 director.

11 Q. And what are your duties?

12 A. My duties is assisting the
13 executive director, marketing, payroll,
14 financials. I'm mostly responsible for
15 the financial part of the business.

16 Q. Do you do anything with the
17 residents there?

18 A. Yes. I communicate with the
19 residents as far as, you know, talking to
20 them, playing games with them sometimes on
21 my spare time.

22 Q. Do you plan activities for
23 them --

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1 A. No.

2 Q. -- or anything as a part of
3 your job?

4 A. No.

5 Q. Who is your supervisor?

6 A. Jan Yarbrough.

7 Q. And where is Morningside
8 Assisted Living located?

9 A. 871 Twin Forks, T-W-I-N
10 F-O-R-K-S, Avenue, Auburn, Alabama 36830.

11 Q. And how long have you worked
12 there?

13 A. Almost two years; December 13
14 will be two years.

15 Q. So you started in 2004 then;
16 is that right?

17 A. Yes.

18 Q. And I'm sorry, what did you
19 say your title was again?

20 A. Assistant executive director.

21 Q. And is that the title you've
22 held the entire time you were there?

23 A. My previous title was business

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1 office manager.

2 Q. And what did you do as
3 business office manager?

4 A. I pretty much did the same
5 thing other than now I have more
6 authority, you know, to do financials.

7 Q. Does your job at all involve
8 -- Do they have vans and things that they
9 transport residents in?

10 A. Yes.

11 Q. Does your job include driving
12 those vans or anything like that?

13 A. Well, actually, they have
14 someone who does that. But if they're
15 tied up with other residents, maybe like
16 taking them to doctor's appointments, me,
17 my executive director, or nursing
18 director, someone would take them.

19 Q. So you're authorized to drive
20 those vans?

21 A. Yes, I am authorized to drive
22 the van.

23 Q. Are those the gray vans?

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1 A. Yes.

2 Q. And they're owned by
3 Morningside Assisted Living; is that
4 right?

5 A. Yes.

6 Q. Now, is that the job that you
7 held right after you started working for
8 -- stopped working for Sears?

9 A. No.

10 Q. So there was a job in between
11 there?

12 A. Yes. I left Sears going to
13 another job.

14 Q. What -- Where did you go to
15 work after you quit working Sears?

16 A. Ross Department Store, Dress
17 for Less.

18 Q. And when did you start working
19 there?

20 A. I started there, I think it
21 was November 1, 2004.

22 Q. And what did you do there?

23 A. Well, I started out working at

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1 the customer service desk, which
2 encounters ringing up customers, doing
3 returns; and then also I would do price
4 checks to markdown prices on merchandise.

5 Q. And you were there for less
6 than two months; is that right?

7 A. No. I started at Morningside
8 in December, and I still worked at Ross.
9 I think I may have left Ross in January.

10 Q. Okay. So when did you
11 start --

12 A. Of 2005.

13 Q. I'm sorry. 2005?

14 A. I think it was January 2005.

15 Q. And why did you leave there?

16 A. Well, I left because I had a
17 Monday-through-Friday job, the pay was
18 pretty decent, and I stayed to help my
19 previous store manager, which was Lewis
20 Collin, at Ross. I helped him out a
21 little while until he was able to find
22 someone, then I just gave it up.

23 Q. So you resigned from there?

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1 A. Uh-huh (positive response). I
2 resigned from there.

3 Q. Because you went to work at --
4 or because you were already working at --

5 A. Right.

6 Q. -- Morningside?

7 A. And I do have a family with
8 three kids and a husband, so I didn't need
9 to work two jobs. But I stayed there to
10 help him out until he was able to get
11 someone.

12 Q. Now --

13 A. To take my place at Ross.

14 Q. Now, this is Lewis Collins, he
15 used to work at Sears; is that right?

16 A. Yes.

17 Q. And where is this Ross store
18 located?

19 A. It's Tiger Town; don't know
20 the address, I just know it's Tiger Town
21 in Opelika, Alabama.

22 Q. Now, when you were working at
23 Ross, were you ever disciplined for any

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1 reason?

2 A. No.

3 Q. What about since you've been
4 at Morningside Assisted Living, have you
5 been disciplined for any reason there?

6 A. No.

7 Q. No verbal warnings?

8 A. No.

9 Q. No write-ups?

10 A. No.

11 Q. And has your supervisor always
12 been Jan Yarbrough?

13 A. Yes.

14 Q. Have you ever been arrested,
15 Mrs. Bryant?

16 A. No.

17 Q. Never been charged with a
18 crime of any sort?

19 A. No.

20 Q. Do you remember when you began
21 working for Sears?

22 A. I started March 13, 1990.

23 Q. And what position did you

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1 start off in?

2 A. I started off in receiving.

3 Q. And who did you work for in
4 receiving, do you recall?

5 A. I worked for Anderson Johnson.

6 Q. You still friends with
7 Mr. Johnson?

8 A. I have not been friends with
9 Mr. Johnson since I left Sears.

10 Q. Was he still there when you
11 left?

12 A. Yes.

13 Q. And what did you do in
14 receiving?

15 A. Opened up boxes and manually
16 input at that time. We was manually
17 inputting merchandise.

18 Q. So if something would come in
19 from the manufacturer, you would enter it
20 into Sears's system?

21 A. Right. We would kind of enter
22 in by the stock number and skew number.

23 Q. How long did you work in that

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1 capacity?

2 A. Maybe nine months.

3 Q. Where did you work after that?

4 A. I went in the office and
5 worked.

6 Q. Which part of the office?

7 A. At that time it was where they
8 did payroll, input invoices that couldn't
9 be inputted into the receiving department
10 area.

11 Q. Can you explain that to me
12 again? I'm not sure I'm following, what
13 did you do?

14 A. What they couldn't manually
15 input into the computer in receiving area,
16 those invoices came around to me, and I
17 had to manually input them in. I think at
18 that time it was called "new fit" in the
19 system.

20 Q. So it still was part of
21 entering in --

22 A. Right.

23 Q. -- merchandise that y'all

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1 were --

2 A. And filed paperwork for the
3 office, yes.

4 Q. And who was your supervisor
5 then?

6 A. Leatha Lipp.

7 Q. And how long did you hold that
8 job?

9 Actually, what was the title of that
10 job? I don't know if you gave that to me.

11 A. I was just office clerk at
12 that time. Can't remember the exact
13 title.

14 Q. And how long did you work as
15 office clerk?

16 A. I want to say maybe two years.
17 And then I went into the regional
18 management training program.

19 Q. And when you went to the
20 training program, what did you do after
21 that?

22 A. I worked on the sales floor in
23 the hardware department area under Byron

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1 Mason.

2 Q. And who was the SGM at that
3 time?

4 A. Lewis Collins.

5 Q. And how long did you work on
6 the sales floor?

7 A. That program was like, I
8 think, eighteen weeks; I may have worked
9 on the sales floor a little longer than
10 that.

11 Q. And then where did you go
12 after that?

13 A. I went into -- I was human
14 resource supervisor.

15 Q. Is that HR lead?

16 A. Yes.

17 Q. Do you recall what date that
18 was?

19 A. No.

20 Q. And who was your supervisor
21 then?

22 A. Lewis Collins.

23 Q. Who -- Did you want to move to

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1 that position or how did you move to the
2 HR lead?

3 A. It was a position that was
4 open, I applied for it, that's how I got
5 it.

6 Q. And then after that, where did
7 you go?

8 A. From that point on, I went out
9 onto the sales floor to seven hundred desk
10 seven manager, which was home improvement
11 manager, that Byron Mason was over because
12 he got promoted to loss prevention
13 manager.

14 Q. So is home improvement like a
15 lead-type position?

16 A. No. It was a salary manager
17 position that I had.

18 Q. And what was it called again?

19 A. Seven hundred desk seven.
20 That was for the whole entire home
21 improvement department, which included
22 lawn and garden, hardware, sporting goods,
23 paint department.

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1 Q. And who was the SGM at that
2 point?

3 A. It was Lewis Collins.

4 Q. Still Lewis.

5 A. A little part of the time.

6 Then Greg Newton was there when I was in
7 that department also.

8 Q. Do you know how long you were
9 in home improvement?

10 A. It may have been three or four
11 years. Not really sure. But I requested
12 to move. It was an opening for a salaried
13 job on the soft side, so I requested to
14 move on the softer side of Sears, which
15 was the clothing department area.

16 And Greg Newton promoted me over
17 there.

18 Q. And what did you do over
19 there?

20 A. I was the manager of ladies
21 department, lingerie, and home fashions.

22 Q. And how long were you in that
23 capacity?

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1 A. It may have been two or three
2 years. I know Sears came out with a new
3 setup with having MCA lead and store
4 marketing leads, and all that. And I
5 think operations in our store got cut out,
6 so Byron became the salary manager for the
7 whole soft side of Sears, and I worked
8 under him as MCA lead.

9 Q. What does MCA stand for, do
10 you know?

11 A. Merchandise customer assist.

12 Q. And do you know when that
13 transition happened?

14 A. I can't frankly.

15 Q. Was it in 2000, late '90s?

16 A. Had to be in the 2000s.

17 Q. And Greg Newton was there at
18 that time?

19 A. Yes.

20 Q. So you worked as the MCA lead
21 for the soft lines department; is that
22 right?

23 A. Right.

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1 Q. And how long did you do that
2 for?

3 A. I did it until, I think it was
4 -- until the end of June 2003 when Roy
5 Treadwell, which was the store manager
6 after Greg Newton, asked me if I would
7 take the in-store marketing lead position
8 because he needed help in that area.

9 Q. Now, as MCA, what did your
10 duties involve in that?

11 A. It was putting merchandise out
12 on the floor, making sure everything was
13 sized correctly on the rack, sometimes we
14 would help out the in-store marketing team
15 at that time do plan-o-grams and do floor
16 setups, and we did setting of the walls
17 with merchandise on them.

18 Q. And what about as home
19 improvement manager, what did you do
20 there?

21 A. I managed that whole area. I
22 was responsible for, at that time, my
23 people doing plan-o-grams, us setting bulk

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1 stacks per Sears advertising, price and
2 markdowns.

3 Q. Now, in any of these jobs that
4 you mentioned, did you ever supervise
5 sales associates?

6 A. In home improvements and soft
7 lines, yes, I did supervise sales
8 associates.

9 Q. So they reported directly to
10 you; is that right?

11 A. Right.

12 Q. And in home improvement, who
13 was your direct supervisor?

14 A. Lewis Collins was at that time
15 and then Greg Newton.

16 Q. And soft lines, who was your
17 supervisor?

18 A. As MCA lead or as soft lines
19 manager?

20 Q. As soft lines manager.

21 A. Greg Newton.

22 Q. Then as MCA manager was Byron
23 Mason --

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1 A. Byron was my supervisor, yes.

2 Q. He was an assistant manager;
3 is that right?

4 A. Yes.

5 Can I refer back to one question you
6 asked me earlier?

7 Q. Sure.

8 A. On my preparation you were
9 asking -- were you talking about
10 preparation for today?

11 Q. Correct.

12 A. Well, that's fine. No.

13 Q. Now, during your time at Sears
14 after you were MCA you went to in-store
15 marketing lead you said until the end of
16 June 2003; is that right?

17 A. Yes.

18 Q. And what were your
19 responsibilities there?

20 A. My responsibilities was
21 setting the plan-o-grams, markups,
22 markdowns, Sears advertising, hanging
23 signing, displays, hiring associates,

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1 making out schedules.

2 Q. Now, then you stayed there
3 until you left --

4 A. Until I resigned.

5 Q. And that was in --

6 A. October 2004.

7 Q. In 2004.

8 A. And my last day was October
9 29, 2004. Because I was asked to stay
10 through the grand opening.

11 Q. And did you?

12 A. Yes.

13 Q. Who did you report to as
14 in-store marketing lead?

15 A. Kenneth Reese.

16 Q. Was that the whole time that
17 you were in-store marketing lead or did
18 you report to somebody else for part of
19 the time?

20 A. I reported to Roy Treadwell
21 from the beginning of July 1st, I would
22 say, 2003, until he resigned in -- I think
23 it was October 2003. Then Greg Newton

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1 came and acted as interim store manager
2 until Kenny Reese came in 2004.

3 Q. Did you ever work in Sears'
4 hub office?

5 A. Yes, I did.

6 Q. When was that?

7 A. That was back when Leatha Lipp
8 was my supervisor.

9 Q. When you were the office
10 clerk?

11 A. Well, I was office clerk, then
12 they did -- the company did the change and
13 started calling it hub office, so they had
14 a package pick-up area and the office
15 area.

16 Q. Did you ever work in the hub
17 office --

18 A. Yes, I did.

19 Q. -- doing any kind of payroll
20 activities or anything like that?

21 A. Yes, I did.

22 Q. And do you remember what year
23 that was?

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1 A. I don't remember the years.
2 Probably back in the late '90s maybe,
3 middle, late '90s.

4 Q. But hadn't worked in the hub
5 office since then?

6 A. No. Not since I -- prior to
7 me leaving Sears, no.

8 Q. Have you ever filed a lawsuit?

9 A. No.

10 Q. Have you ever been a party in
11 a lawsuit?

12 A. No.

13 Q. Have you ever filed a charge
14 of discrimination with the EEOC?

15 A. No.

16 Q. Have you ever filed a charge
17 of discrimination with anyone?

18 A. No.

19 Q. Now, while you were working at
20 Sears, were you ever disciplined for any
21 reason, whether it be oral or written or
22 anything like that?

23 A. I was not disciplined. But

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1 back -- It was in 2004, I had cashed some
2 checks there, which the supervisor of the
3 hub office did approve those. And the
4 checks went through the bank the first
5 time, well, the money wasn't there; but
6 the second time it did go through the
7 bank, was paid. Then all of a sudden I
8 get called into the office with Terry
9 Gandy saying that I had some checks that
10 bounced.

11 Well, I tried to explain to Terry
12 Gandy that -- Well, the first check that I
13 got a notification from my bank saying
14 that it was withdrawn, I went to Terry
15 then and told Terry that I may be having a
16 check coming back, I wasn't sure, because
17 I don't know if it was the first or second
18 time that they had sent it through the
19 bank. He said okay.

20 So after then, some type of report
21 came over to them and it was sent to them
22 in an email that that check had bounced.
23 Well, I went to Terry -- Well, he called

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1 me into the office, and then I responded
2 to him that that check was paid. Well,
3 then maybe a few days later, another one
4 came, and I explained to him that that
5 check was paid.

6 They called my bank, we called
7 Sergie (phonetic), Sergie is the company
8 that covers checks for Sears to get, you
9 know, their money back. Sergie said they
10 didn't know why Sears had gotten those
11 checks because they was paid. Even my
12 bank told Terry Gandy that my checks was
13 paid. Terry Gandy made me pay extra money
14 after my checks was already paid, made me
15 pay the extra money. And before I left, I
16 had a hard time trying to get my money
17 back from Terry Gandy.

18 Okay. Then after all that, Kenny
19 Reese called me back in the office -- they
20 had done called the associate service
21 center. I think they was trying to get me
22 fired for those checks that was paid. I
23 called associate service center myself. I

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1 did. Kenny had lied to them saying that I
2 had told him I was going home because they
3 was treating me like a criminal. At that
4 point in time, I had not even had a
5 discussion with Kenny Reese about my
6 checks. So Kenny -- I don't know if the
7 district office or Kenny decided himself
8 to write me up about those checks. Well,
9 I could agree with that.

10 Q. Let me ask you, Shannon, to
11 your knowledge, were you written up at all
12 for writing these checks?

13 A. Yes. He wrote me up about
14 writing those checks.

15 Q. Who wrote you up?

16 A. Kenny Reese.

17 Q. Kenny Reese wrote you up
18 for --

19 A. Yes.

20 Q. -- trying to cash checks in
21 the hub office and the money wasn't there?

22 A. No. He had already wrote me
23 up after this fact here was going on.

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1 Q. After what fact?

2 A. After the checks -- I mean,
3 they already knew the checks was paid,
4 they took my money anyways. This was
5 after the fact.

6 Q. Were you supposed to be
7 writing checks to yourself and getting
8 money from the hub office?

9 A. I didn't write -- What do you
10 mean writing the check to myself? I wrote
11 the check to Sears.

12 Q. But they would give you the
13 money; is that right?

14 A. They would give me the money.
15 They would go give me the money.

16 Q. So a cash advance?

17 A. Exactly. And other associates
18 done that as well. That was a practice in
19 the store. Even though it was against
20 company policy, it was a practice in the
21 store.

22 Q. So they would give you a cash
23 advance and the checks came back as unpaid

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1 the first time; is that right?

2 A. Only one of them came, I got
3 the notification; on the second one I
4 didn't get notification.

5 Q. Do you know if Sears was
6 charged for the checks having to come
7 back?

8 A. I don't know whether Sears was
9 charged for that or not.

10 Q. And you understand that Kenny
11 Reese wrote you up for that; is that
12 right?

13 A. He sat me in his office. But
14 when I told Kenny, because Lewis Collins
15 had came into the store and offered me a
16 job at Ross because I --

17 Q. Well, you're not answering my
18 question, Mrs. Bryant.

19 A. Go ahead.

20 Q. You said Kenny Reese wrote you
21 up?

22 A. Yes. He wrote me up, but he
23 said he was going to tear the write-up up.

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1 Q. Okay.

2 A. Whether he did or not, I don't
3 know, because I did not stay in the
4 office.

5 Q. When was that? You said in
6 2004; is that right?

7 A. Yes.

8 Q. And your understanding is that
9 was for the checks?

10 A. The checks, yes.

11 Q. And why did he tell you he was
12 going to tear it up?

13 A. I have no idea why he said he
14 would tear them up.

15 But then he went on after saying
16 that that he was going to write me up
17 about my attitude. So I'm figuring he
18 couldn't fire me over the checks because
19 they was paid, he was going to try to get
20 up something to fire me over my attitude
21 because I was vocal and asked questions
22 about the things that was done around the
23 store.

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1 Q. And what did he say in that
2 conversation? Was this the same
3 conversation?

4 A. Yeah. All of it was in the
5 same conversation.

6 Q. And this was, I'm assuming, in
7 the middle of October, somewhere around
8 there; is that right?

9 A. It may have -- I know the
10 checks and everything was discussed like
11 maybe in August or September, but it may
12 have been in October.

13 Q. But it was all done at once;
14 is that right?

15 You had one meeting with Kenny
16 Reese --

17 A. Right. Exactly.

18 Q. -- discussing the checks and
19 your attitude; is that right?

20 A. Right.

21 Q. And you're not sure when that
22 was; is that right?

23 A. It may have been October. I

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1 just know the deal with them investigating
2 about the checks was around August and
3 September.

4 Q. What was said about your
5 attitude?

6 A. He just said he was going to
7 write me up about my attitude. And I told
8 him I did not have an attitude.

9 Q. Was anybody else in that
10 meeting with you?

11 A. Yes.

12 Q. Who was in there?

13 A. Nina Fitzwater.

14 Q. And what did you say?

15 A. I told him that I did not have
16 an attitude.

17 Q. And what happened at that
18 point?

19 A. That I thought he was the one
20 that had an attitude.

21 Q. And then at that point did you
22 give your resignation?

23 A. Yes.

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1 Q. So you told him at that point
2 you were resigning?

3 A. Yes.

4 Q. Did you give him a reason for
5 that?

6 A. I told him I was tired of the
7 way he was treating, well, black people in
8 the store. I was fed up.

9 Q. And you stayed on; is that
10 right?

11 A. Until the day of grand
12 opening, which was October 29.

13 Q. And did Kenny Reese say
14 anything to you at that point?

15 A. No.

16 Q. And he asked you to stay and
17 you agreed; is that right?

18 A. He said if I didn't mind, if I
19 would stay and help him get through the
20 grand opening, and I said yes.

21 Q. Now, you mentioned previously
22 that you had -- somewhere in there that
23 you had called the associate services

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1 center?

2 A. Yes.

3 Q. And when was that?

4 A. That was, I'm thinking, back
5 in August 2004.

6 Q. And why did you call them?

7 A. I called to question about the
8 checks.

9 Q. And what was your question to
10 them?

11 A. My question was -- Well, I was
12 explaining to them about my checks, that
13 they was paid for.

14 Q. And what did they say?

15 A. They said that the store
16 manager had called them and told them that
17 I had left the store, I told him that I
18 couldn't stay there any longer because
19 they was treating me like I was a
20 criminal.

21 And which I did not make that
22 statement to Kenny Reese at all.

23 Q. Did you say anything else to

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1 the ASC?

2 A. No.

3 Q. Did you ever call the ASC for
4 any other reason?

5 A. No. Never had to.

6 Q. So you basically called the
7 ASC to explain about your checks; is that
8 right?

9 A. Exactly.

10 And I did not receive my money for
11 those checks after I had double paid until
12 after I had left Sears.

13 Q. Any other times that you were
14 disciplined or warned about anything?

15 A. No. No.

16 Q. Not under any other managers?

17 A. No.

18 Q. Now, besides making this
19 comment to -- well -- Now, did you ever
20 complain to anyone in management at Sears
21 about Kenny Reese other than the comment
22 that you made to Kenny Reese himself?

23 A. Well, Stacy Dumas and Byron

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1 Mason, we all used to talk about the way
2 Kenny was acting toward black people.

3 Q. Now, is Stacy Dumas, where
4 does she work?

5 In the auto center?

6 A. Yes.

7 Q. And Kenny Reese promoted her;
8 is that correct?

9 A. Yes.

10 Q. And she's African-American; is
11 that right?

12 A. Yes.

13 Which I think Byron Mason had input
14 on that also because she worked for Byron
15 Mason.

16 Q. Byron Mason and Kenny Reese
17 were friends, correct? Do you know?

18 A. I don't know whether they was
19 friends or not. They worked together. I
20 mean, Kenny was Byron's boss.

21 Q. Do you know if they went to
22 lunch together frequently?

23 A. Yes, they did.

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1 Q. What kind of TV do you have,
2 Mrs. Bryant?

3 A. What do you mean what kind of
4 TV?

5 Q. What kind of television do you
6 have?

7 A. I have a Sony.

8 Q. Ever owned a Magnavox LCD
9 thirty-two-inch TV?

10 A. No. I don't even like
11 Magnavox. I only like Sony.

12 Q. Now, my understanding is,
13 Mrs. Bryant, that you gave an affidavit;
14 is that right?

15 A. Yes.

16 Q. And did you prepare that on
17 your own?

18 A. Yes, I did.

19 Q. Anybody help you prepare that?

20 A. No.

21 Q. I understand you brought a
22 copy of that with you today; is that
23 right?

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1 A. Yes, I have it right here
2 (indicating).

3 Q. Now, who asked you to prepare
4 this?

5 A. Robin McIntyre.

6 Q. What did he ask you to
7 prepare? Just a statement?

8 A. Right.

9 Q. And what specifically -- Did
10 he tell you what to include in that
11 statement?

12 A. No, he did not.

13 Well, other than that I'm an
14 African-American, with Sears versus Denise
15 Smith, but everything else I included
16 myself. The first -- the number one on
17 the declaration.

18 Q. Now, my understanding is that
19 this is all the information that you have
20 pertaining to Ms. Smith's claim --

21 A. Yes.

22 Q. -- against Sears; is that
23 right?

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1 A. Yes.

2 Q. So basically this is what
3 you're -- basically this statement is what
4 you have that you're giving --

5 A. What I have and my memories.

6 Q. And this statement reflects
7 everything that you recall about your
8 experience at Sears?

9 A. Other than my memories. I
10 mean, I can't -- as I was doing this --

11 Q. Everything you recall; is that
12 right?

13 A. Right. Exactly.

14 Q. Now, you swore under the
15 penalty of perjury that this is correct;
16 is that right?

17 A. Yes.

18 Q. And that's on number
19 twenty-five of your --

20 A. Yes. And also number one.

21 Q. Now, you understood, according
22 to this affidavit, that Sears had a policy
23 against unauthorized discount; is that

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1 right?

2 A. Per the policy, yes. But we
3 was not following that policy.

4 Q. But they did have a policy; is
5 that right?

6 A. Sears corporate policy did
7 have a policy.

8 Q. That was published in a
9 handbook; is that right?

10 A. Yes, it was.

11 Q. Now, Ms. Smith -- I'm sorry,
12 Mrs. Bryant, you weren't there when the
13 investigation into the misuse of the
14 service coupon occurred, were you?

15 A. It depends on when the
16 investigation started. Because if an
17 investigation started, I wouldn't know
18 about it anyway, so I don't know whether I
19 was there or not.

20 Q. But you left in --

21 A. I left October 29, 2004.

22 Q. Okay. Anybody discuss this
23 investigation with you as far as

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1 management goes?

2 A. No.

3 And I'm sure they're not supposed
4 to.

5 Q. Do you have any idea what
6 management did to investigate coupon abuse
7 that was going on regarding the service
8 coupon in the appliance department?

9 A. No.

10 Q. Do you know what the
11 investigation results showed?

12 A. No, I don't.

13 I wouldn't know anything about the
14 investigation because I'm not supposed to.

15 Q. Do you know if they
16 investigated other departments, like the
17 electronics department, or anything else?

18 A. I don't know anything about
19 the investigation. As I stated, I wasn't
20 supposed to.

21 Q. Now, did you attend any sales
22 associate meetings?

23 A. Yes, I did. They had the

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1 sales associate meeting, a storewide
2 meeting, in front of everybody.

3 Q. Did you attend the sales
4 associate meetings for appliances, the
5 appliance department people?

6 A. Not while Kenny Reese was
7 there, no.

8 Q. Did you ever attend the --

9 A. While I was there they didn't
10 have a separate meeting anyways to my
11 knowledge.

12 Q. So you don't know if they had
13 separate meetings with the sales
14 associates in the various departments; is
15 that right?

16 A. If they had those separate
17 meetings, it was at night; they didn't
18 during the day. And then that -- Well,
19 during the time I did have to work at
20 night.

21 Q. Well, you're not answering --

22 A. I'm answering your question.
23 I'm aware of what you're saying.

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1 Q. Let me rephrase it. Maybe I'm
2 not being clear. It might be my fault.
3 Let me try to be more clear.

4 Now, you were -- When Kenny Reese
5 was the store manager --

6 A. Yes.

7 Q. -- you were in the marketing
8 department?

9 A. In-store marketing, yes.

10 Q. Now, would you have any reason
11 to participate in sales associate meetings
12 as the in-store marketing person?

13 A. Yes, I would.

14 Q. Would you do that on a regular
15 basis?

16 A. No.

17 Q. So you wouldn't attend those
18 meetings if they had them on a regular
19 basis; is that right?

20 A. Not on a regular basis, I
21 would not have.

22 Q. Did you attend any sales
23 associate meetings?

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1 A. Yes, I have been to sales
2 associate meetings.

3 Q. While you were in marketing
4 lead?

5 A. In-store marketing lead? They
6 rarely had any other than storewide
7 meetings.

8 Q. That you're aware of?

9 A. Yes.

10 And in the storewide meetings they
11 talked about protection agreements, credit
12 applications, and sales performance.

13 Q. In the meetings you attended;
14 is that right?

15 A. Yes.

16 Q. But there could have possibly
17 been others that you weren't aware of; is
18 that right?

19 A. It could have been.

20 But the management staff that we had
21 didn't.

22 Q. Now, you indicate in your
23 affidavit that Sears' Auburn store made it

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1 a practice to reuse the coupons; is that
2 right?

3 A. Yes.

4 Q. Did you ever see anybody reuse
5 these coupons?

6 A. Yes, I did.

7 Q. Who is that?

8 A. Stephanie Darby.

9 Q. And what coupon was she using,
10 do you know?

11 A. Thirty-dollar coupon.

12 Q. Did you ever see Stephanie
13 Darby use a service coupon?

14 A. No.

15 Q. Do you remember when this
16 thirty-dollar coupon was used?

17 A. It was back in, I think,
18 August 2004.

19 Q. Do you know if whoever she
20 awarded it to was eligible to receive it?

21 A. No. Because she pulled it out
22 of the drawer. Terry Gandy.

23 Q. But do you know what the terms

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1 of the coupon were?

2 A. No.

3 Q. So therefore you don't know if
4 he was eligible to receive it according to
5 the terms of the coupon?

6 A. Right. But it was pulled out
7 of the drawer, and that was against
8 company policy to reuse coupons.

9 And he was loss prevention manager,
10 and he knew that, but we made it a common
11 practice that that didn't matter.

12 Q. What I'm asking you,
13 Mrs. Bryant, is do you know what the terms
14 stated on the coupon?

15 A. I said no. And I went on to
16 make a statement that it didn't matter.
17 Because that was a practice in the store,
18 that you can pull out coupons out of the
19 drawer, whether it be a sixty-five-dollar
20 coupon or any other coupon.

21 Q. Did you ever see any
22 sixty-five-dollar coupons in the drawer by
23 the appliance department?

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1 A. I never looked in the register
2 drawer in the appliance because that
3 wasn't my business to look at it to see
4 whether there was any sixty-five-dollar
5 coupons in there.

6 Q. So you don't know --

7 A. I left that up to the sales
8 associates.

9 Q. I'm sorry. You don't know if
10 there were any sixty-five-dollar coupons
11 in there or not; is that right?

12 A. No. Because I didn't buy much
13 from the appliance department, every blue
14 moon.

15 Q. Now, were you there when the
16 sales associates in the appliance
17 department were trained, like when they
18 started working?

19 A. What you mean?

20 Q. Were you responsible for
21 training any of the sales associates who
22 worked in the appliance department?

23 A. When I was in human resource,

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1 yes, I did orientation with them.

2 Q. And that was when?

3 A. That was back, like I say, in
4 the '90s.

5 Q. Okay. But when you were
6 in-store marketing lead, you didn't have
7 anything to do with training --

8 A. Training, no.

9 Q. -- the associates?

10 A. No.

11 Q. So you don't have any
12 knowledge what Stephanie Darby would have
13 learned when she was training to work on
14 the sales floor, do you?

15 A. No, I don't.

16 Q. What about Carolyn Landers,
17 did you involve training her at all?

18 A. No.

19 Q. What about Clint Teal,
20 involved in his training at all?

21 A. No.

22 Q. What about Merle Miller,
23 involved in his training at all?

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1 A. No.

2 Q. Carolyn Landers?

3 A. You already said Carolyn. No.

4 Q. Jackie Dodson?

5 A. Jackie Dodson, when she came
6 into the store, I can't actually remember
7 what I did, what position I had, because
8 I'm not aware of the year she came.

9 Q. Did it involve training her?

10 A. I may have. Like I say, I'm
11 not for sure when she came to the store.
12 I can't remember if I was in the hub
13 office when Jackie came or in the
14 receiving area when Jackie came or human
15 resource. So I can't say that I wasn't
16 involved in any training with her because
17 I'm not sure.

18 Q. You don't know?

19 A. I'm not sure when she actually
20 came.

21 (Recess was taken.)

22 Q. Now, Jackie Dodson is
23 African-American; is that correct?

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1 A. Yes.

2 Q. Did anyone in management
3 discuss Willis's or Smith's termination
4 with you?

5 A. Byron Mason discussed Beatrice
6 Willis. The day Beatrice Willis was
7 terminated, Byron Mason called me off
8 Denise Smith's cell phone.

9 Q. And what did he say?

10 A. And he told me that Beatrice
11 Willis had been terminated and he was not
12 aware that she was being terminated for
13 coupon use, and that they should have --
14 well, would have had to fire the whole
15 store. And he didn't think that was
16 right.

17 Q. Do you know if he was involved
18 in the investigation?

19 A. He said that he wasn't aware
20 that she was being terminated.

21 Q. Do you know if he was involved
22 in the investigation?

23 A. No, I don't.

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1 Q. Do you know if he knows what
2 the basis for the termination was?

3 A. Well, he talked about coupons,
4 so.

5 Q. Did he specifically say what
6 about the coupons?

7 A. I just told you that, what he
8 stated about the coupons, that they would
9 have to fire the whole store for the
10 misuse of coupons.

11 Q. Did you talk to anybody else
12 in management besides Mason about abuse
13 terminations?

14 A. Briefly Stacy Dumas was just
15 talking about how wrong it was, but I
16 didn't get into any deep conversations
17 with her about it.

18 Q. And what did she say
19 specifically, do you remember?

20 A. She also disagreed; she felt
21 the same way, that it was wrong.

22 Q. Do you know if she was
23 involved in the investigation?

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1 A. No, I don't.

2 Q. Do you know if she knows the
3 results of the investigation?

4 A. All she know, they was
5 terminated -- Beatrice Willis was
6 terminated about coupon abuse; that's all
7 she knows about coupons, I'm assuming.

8 I'm not in Stacy's mind so I
9 wouldn't know what all she knows.

10 Q. The same thing with Byron?

11 A. Yes.

12 Q. He just indicated to you that
13 he felt it was wrong, but you don't know
14 if he participated in the investigation
15 or --

16 A. He said he wasn't aware of it,
17 so evidently he must didn't participate.
18 He didn't tell me that he didn't
19 participate, but he wasn't aware.

20 Q. What about Gandy or Reese, did
21 they discuss it with you at all?

22 A. No.

23 Q. What about John Lowery, did he

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1 discuss it with you at all?

2 A. No, he didn't.

3 Q. Anybody else that you recall
4 that you had a conversation with about
5 either the investigation or the
6 termination?

7 A. I wouldn't know anything about
8 the investigation, so I wouldn't be able
9 to discuss anything with anybody about the
10 investigation.

11 Q. Did you discuss the
12 termination with anyone?

13 A. Yeah. I mean, it was wrong.
14 I told people that it was wrong, they
15 should not have gotten fired. Because
16 everybody was using coupons, whether it
17 was a sixty-five-dollar coupon or any
18 other coupon, people was pulling coupons
19 out of the drawer.

20 Matter of fact, after I left in
21 October 2004 I went to the store February
22 2005 to make some purchases, and the girl
23 was willing to take a coupon out of the

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1 drawer for me then. And I then told Byron
2 Mason that I would not do that, let her,
3 because I knew Beatrice Willis and Denise
4 Smith were terminated about using coupons.
5 So at that --

6 Q. Do you know who that girl was?

7 A. No, I don't know her name.

8 Q. What department was it in?

9 A. Well, she was at the
10 children's cash register, in that area,
11 when I made purchases on some clothing.

12 Q. Do you know what the terms of
13 that coupon were?

14 A. I don't, because I would not
15 let her use it.

16 Q. Do you know if you were
17 eligible to receive it?

18 A. I don't know if I was eligible
19 to receive it. But I know I didn't bring
20 it in, and I knew that's why Denise Smith
21 and Beatrice Willis were terminated,
22 because they pulled coupons out of the
23 drawer just like any other associate would

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1 do.

2 Q. Okay. Who told you that they
3 were terminated because they pulled
4 coupons out of the drawer?

5 A. Me and Byron and them
6 discussed that.

7 Q. So you learned it from Byron
8 that that's the reason --

9 A. Misuse of coupon, that would
10 be the only reason, to pull it out of the
11 drawer.

12 Q. So your understanding is that
13 Willis and Smith were terminated for using
14 the coupon out of the drawer --

15 A. Misuse of coupons.

16 Q. Let me finish my question so
17 we don't talk over each other.

18 So your understanding is that Willis
19 and Smith were terminated for taking a
20 coupon out of the drawer --

21 A. Misuse of coupons. And it had
22 to be taken out of the drawer, because if
23 the customer brought them in how would

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1 they be terminated for it.

2 So what is misuse of coupons now?

3 That's the reuse of coupons, so that means
4 they take them out of the drawer, they put
5 it back in the drawer -- once they scan
6 for the customer, they put it back in the
7 drawer; the next customer come along, they
8 open the drawer, they take it out, and
9 they scan it again, just like any other
10 associate would do in that store.

11 Q. So that's your understanding
12 of why --

13 A. Yes

14 Q. -- they were terminated?

15 A. Exactly.

16 I even -- When I worked at Sears,
17 associates would pull a coupon out of the
18 drawer for me to use because that was a
19 common practice in the store.

20 Q. Were you eligible to receive
21 that coupon?

22 A. If I didn't bring it in,
23 according to the policy, no, I wouldn't

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1 have been eligible. But that was a common
2 practice in the Sears' Auburn store.

3 Q. The policy requires you to
4 give only discounts that the customer is
5 eligible for, right?

6 Is that correct?

7 A. No.

8 Q. Customers are not allowed to
9 receive unauthorized discounts; is that
10 right?

11 A. Well, if you want to talk
12 about unauthorized discounts, whether
13 they're eligible per coupon say or not, if
14 they didn't bring it in, they wasn't
15 eligible also.

16 Q. Do these coupons have terms on
17 them saying who's eligible to receive
18 them?

19 A. I don't read the coupons so I
20 don't know. Sometimes they would come in
21 and state Sears credit card.

22 Q. So sometimes they would
23 have --

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1 A. Sears credit card on them.

2 Q. -- have terms on there that
3 only certain customers are allowed to use
4 them; is that right?

5 A. Exactly. For Sears credit
6 card use.

7 Q. And only those people are
8 entitled to use --

9 A. Sears credit card coupon.

10 Q. And according to those terms
11 that's how those coupons --

12 A. According to the coupon. But
13 that wasn't the way it was done in the
14 Sears' Auburn store. We didn't do it that
15 way.

16 But if Kenny Reese had have kept and
17 maintained the Sears corporate policy, it
18 would have been done that way. But he
19 didn't. He even made copies of expired
20 coupons and had me and my team, along with
21 himself, to put them at the registers to
22 use, not only for customers to use but for
23 associates to use.

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1 He also would go to the sign writer
2 and have me and my people, and sometimes
3 he would go to the sign writer, to create
4 yellow signs in the dress department
5 saying twenty dollars on forty-nine
6 ninety-nine dresses and above to drive
7 sales in that department. He also in the
8 appliance areas, when I would go and work
9 that area and put out sales signs, he
10 would remove the sales sign and leave it
11 at regular price, show the regular price,
12 and he would create a sign, save a hundred
13 dollars or whatever savings he would want
14 to do and put it in the center to make the
15 customer think, well, this is a special
16 going on, and it was already on sale any
17 way.

18 See, Kenny Reese was a store manager
19 that I have never seen that was crooked
20 for the company and misled customers.
21 And, yes, I was upset to the fact, and he
22 didn't like me because I was black and I
23 would question him of why he would do

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1 things like that. Sears also states a
2 policy, when you're setting
3 advertisements, they would send an auditor
4 in to check and make sure the prices
5 match. If the prices did not match, then
6 the store would be accounted for.

7 Q. So you basically disagreed
8 with how Kenny --

9 A. I disagreed with it. But
10 everybody was doing it, so, hey, what
11 could I say.

12 And that's one reason Kenny Reese
13 want to get rid of me because I was black
14 and said that I had a attitude. He wanted
15 to write me up because he knew I was vocal
16 and that I would question his authority.
17 So if he wrote me up about my attitude,
18 then that would have been a way to get me
19 out and he would say attitude and not
20 because I'm black. But I know the main
21 reason.

22 Q. And what facts do you have to
23 indicate that that was the reason?

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1 A. What facts? Because I was
2 vocal and I was black. And not only
3 that --

4 Q. Hang on just a second,
5 Mrs. Bryant. What facts do you have to
6 support your allegation that he was trying
7 to get rid of you because you're
8 African-American?

9 A. Because he couldn't get rid of
10 me on the checks, which he tried -- I
11 really believe he tried to get rid of me
12 about those checks; he couldn't get rid of
13 me then, that's why he threw the attitude
14 business up. He was going to write me up
15 about my attitude.

16 Q. Okay. Do you --

17 A. And do you know why he was
18 going to write me up about my attitude?
19 Because I was a black female that
20 questioned what I thought was wrong.

21 Q. Did he ever tell you that he
22 was writing you up or anything like that
23 because you were black?

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1 A. Well, he knew he couldn't do
2 that. By law you cannot do that.

3 Q. I'm asking you, Mrs. Bryant --

4 A. No, he did not. No, he did
5 not.

6 Q. -- tell you --

7 A. No. By law he could not do
8 that. And the reason for that, because it
9 would have been a lawsuit within itself.

10 Q. Mrs. Bryant, I'm asking you,
11 did he ever specifically tell you that?

12 A. No. But he couldn't tell me I
13 was black, he couldn't use that racist
14 remark.

15 Q. Did management, anyone else in
16 management, ever tell you that that's why
17 they were trying to -- allegedly trying to
18 get rid of you?

19 A. Not get rid of me, no.

20 Q. So no one ever told you that.
21 And that's just what you assume; is that
22 right?

23 A. No. I'm not going to say

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1 assume. Because I heard Terry Gandy tell
2 John Lowery, and right now before my eyes
3 I can take you into that store and give
4 you the identical aisle where they were
5 standing, that we're finally getting rid
6 of the two black females in appliance.

7 Q. Let's talk about that comment,
8 Mrs. Bryant. Now, you allege in your
9 affidavit that Terry Gandy said to --

10 A. We're finally getting rid of
11 the two black troublemakers in appliances.

12 Q. Now, tell me when that was?

13 A. When that was, that was
14 September.

15 Q. And the investigation didn't
16 occur until later; is that right?

17 A. I don't know because I wasn't
18 aware of the investigation. They're not
19 supposed to let me know.

20 But pertaining to staff meetings
21 that I have been in, I've heard them --

22 Q. Mrs. Bryant --

23 A. -- discuss.

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1 Q. Mrs. Bryant, what I'm asking
2 you is do you know when the investigation
3 occurred.

4 A. Like I told you before, I
5 wouldn't know when the investigation was.

6 Q. But you allege that this
7 comment happened in September of 2004; is
8 that correct?

9 A. Exactly. Yes.

10 Q. Now, you were claiming that
11 Terry Gandy said this to John Lowery; is
12 that right?

13 A. Exactly.

14 Q. Was there anybody else
15 standing there that overheard this remark?

16 A. I know I was standing there.
17 But they wasn't aware I was standing there
18 because I was pricing my tickets.

19 Q. Where was it in the store?

20 A. It was in the aisle of home
21 fashions.

22 Q. Now, does it make sense that
23 Terry Gandy would make this remark before

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1 any kind of investigation was going on?

2 A. I don't know when they was
3 investigating so it could have been --

4 Q. I'm asking you --

5 A. -- all of September when they
6 was doing the investigation.

7 Q. Does it make sense that he
8 would have made this comment before there
9 was any kind of investigation --

10 A. Yes, it makes sense. You know
11 why? Because in a previous staff
12 meeting --

13 Q. In what previous staff
14 meeting?

15 A. That the management staff that
16 I attend, Kenny Reese was making
17 statements to the staff that he was aware
18 that Beatrice Willis called the ethic
19 line.

20 Q. Do you know what that call was
21 about?

22 A. She was questioning about --

23 Q. Do you have personal knowledge

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1 what that call was about?

2 A. What do you mean do I have
3 personal knowledge?

4 Q. Were you on the phone when she
5 called?

6 A. No, I was not on the phone.
7 But I was in the staff meeting listening
8 at what Kenny Reese was saying.

9 Q. So your knowledge is based on
10 what Kenny Reese said in --

11 A. Kenny Reese saying. And then
12 not only that, if it wasn't the same day
13 that Terry made that statement, it was a
14 few days later about finally getting rid
15 of two black troublemakers. So it led me
16 to believe that he was talking about
17 Beatrice Willis and Denise Smith, because
18 he also stated in the staff meeting that
19 Denise Smith was questioning how much work
20 -- time she's supposed to get on the sales
21 floor.

22 And low and behold before then, John
23 Lowery, when I was in appliance

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1 department, said to Carolyn Landers that
2 Jacqueline Dodson was on the outside
3 looking in. So evidently they wanted her
4 too, but they figured she wasn't doing
5 anything and she wasn't as vocal to
6 question anything --

7 Q. And what do you base that on?

8 A. -- that was going on.

9 Q. Is that your assumption,
10 Mrs. Bryant?

11 A. Yes, it is my assumption.

12 Q. Now, you said you don't know
13 who was investigated. But Ms. Dodson
14 still works there to your knowledge; is
15 that correct?

16 A. Yes, she does to my knowledge.

17 Q. And she wasn't terminated; is
18 that right?

19 A. To my knowledge, she wasn't, I
20 guess. I don't know whether she's still
21 there or not.

22 Q. And she was working in
23 appliances at the time you left?

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1 A. Yes, she was.

2 Q. So anybody else hear this
3 comment, this alleged remark, that Terry
4 Gandy made to John Lowrey?

5 A. It's for my -- I don't know
6 whether anybody else heard the comment or
7 not.

8 Q. But I'm asking you, was
9 anybody else standing there with you --

10 A. You can't make me say someone
11 was standing there or they wasn't standing
12 there. I was there. I didn't look around
13 to see if anybody else was standing
14 around.

15 Q. So you don't know if anybody
16 else was there?

17 A. I don't know whether anybody
18 was there or not.

19 Q. But you don't recall anybody
20 else being there?

21 A. I don't know whether anybody
22 was there or not. Because I was very
23 stunned and that helped me make my